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Notice of Allowability	Application No.	Applicant(s)	
	10/784,022	MARTY ET AL.	
	Examiner	Art Unit	

Steven J. Ganey 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed February 6, 2007.
2. The allowed claim(s) is/are 1-12 and 14-25.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows:

In the claims:

Claim 4, line 3, the word --annular-- has been inserted before the word "seal".

The above change was done to maintain proper antecedent basis and to clearly define that it is the "annular seal" that is supported by the annular seat of the nipple and is not the "seal" recited in claim 1, line 10.

Claim 7, line 3, the word --annular-- has been inserted before the word "seal".

The above change was done to maintain proper antecedent basis and to clearly define that it is the "annular seal" that is supported by the seat and positioned by the locating tabs of the bonnet and is not the "seal" recited in claim 1, line 10.

3. The following is an examiner's statement of reasons for allowance of claims 1-12: The prior art did not teach or suggest a swivel mount for a spray head as currently amended by the

applicant and together in combination with the other claimed features of applicant's invention.

In addition applicants arguments presented on pages 9 and 10 are well taken and were found to be convincing.

4. The following is an examiner's statement of reasons for allowance of claims 14-23: The prior art did not teach or suggest a fluid delivery assembly as claimed by the applicant, specifically a fluid delivery assembly comprising a lower retainer including a disc having an upwardly facing semi-spherical surface positioned in spaced relation to the downwardly facing semi-spherical surface of the body, a generally bowl-shaped passageway defined intermediate the semi-spherical surface of the body and the semi-spherical surface of the lower retainer, and a holder received within the passageway, the body and the lower retainer being pivotable relative to the holder about axes orthogonal to the longitudinal axis, thereby orienting the fluid spray head in a desired position, together in combination with the other claimed features of applicant's invention.

5. The following is an examiner's statement of reasons for allowance of claim 24: The prior art did not teach or suggest a body spray assembly as claimed by the applicant, specifically a body spray assembly comprising a holder including an upper semi-spherical surface, a lower semi-spherical surface, and an opening concentrically disposed about a longitudinal holder axis, a first retainer including an axially extending tubular portion and a disc extending outwardly from the tubular portion, the tubular portion being received within the opening of the holder and the disc including an upper semi-spherical surface conforming to the shape of the lower semi-spherical surface of the holder, a body including a downwardly facing semi-spherical surface conforming to the shape of the upper semi-spherical surface of the holder and an opening

concentrically receiving the tubular portion of the first retainer, the body defining a longitudinal body axis, a fluid spray head received within and coupled to the body, an annular seal in sealing engagement with the holder and the body, a second retainer coupled to the tubular portion of the first retainer, the holder and the body being positioned axially intermediate the disc of the first retainer and the second retainer, and the first retainer and the body are pivotable about the holder such that the longitudinal body axis may be angularly offset from the longitudinal holder axis, together in combination with the other claimed features of applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 7:00-5:00; M, Tu, W and Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sjg
3/2/07



STEVEN J. GANEY
PRIMARY EXAMINER

3/2/07